

BEFORE THE FEDERAL ELECTION COMMISSION

2005 NOV 15 A 11:40

In the Matter of)

J. Edgar Broyhill II,)

MUR 5648

SENSITIVE

RESPONDENT'S BRIEF

I. INTRODUCTION

J. Edgar Broyhill II was an unsuccessful candidate for the Republican Party's nomination for the House of Representatives from the 5th Congressional District in North Carolina in 2004.¹ Broyhill for Congress ("Committee") was the principal campaign committee for Mr. Broyhill's campaign.² The General Counsel's recommendation the Federal Election Commission ("FEC" or "Commission") find probable cause to believe Mr. Broyhill personally and individually violated 2 U.S.C. §§ 441a-1(b)(1)(C), 441a-1(b)(1)(D), and 441a-1(b)(1)(E) is without legal foundation and is an unnecessary reaction to any inadvertent or minor reporting errors made by the Respondent Committee.

II. SUMMARY OF FACTS

Mr. Broyhill has always taken compliance with FEC reporting requirements very seriously. Mr. Broyhill, as the son of a former Congressman, is a strong believer in the importance of campaign finance laws and took all reasonable steps to ensure his campaign was in compliance with any legal and reporting requirements. See June 30th, 2005 affidavit of Edgar Broyhill II ("Broyhill Affidavit") attached hereto as Exhibit 1. Before Mr. Broyhill's campaign began, he and his staff sought the advice of prominent election law attorney Jill Holtzman Vogel

¹ The General Counsel's probable cause brief named the Respondent as J. Edgar Broyhill III. For the record, there is no J. Edgar Broyhill III. The candidate's name is J. Edgar Broyhill II.

² The Committee and its treasurer, in his official capacity, are also respondents in this matter before the Commission.

26044142578

1 on a wide range of matters to ensure they complied with all necessary legal and reporting
2 requirements. Part of that discussion focused on the ability of Mr. Broyhill to make loans to his
3 campaign, the effect such loans would have on the contribution limits to his opponents, how to
4 report these loans, and the complicated nature of the primary dates in the North Carolina
5 Congressional election. Ms. Vogel explained this new area of the law and campaign staff took
6 notes. Unfortunately, the Committee staff did not understand, or became confused, about certain
7 dates and amounts, and believed the Committee's Form 10 reporting obligations did not begin
8 until Mr. Broyhill's personal contributions exceeded \$375,000.

9 On March 1, 2004, Mr. Broyhill made a \$50,000 loan to Broyhill for Congress which
10 increased his aggregate personal contributions above the \$350,000 reporting threshold. Due to
11 their misunderstanding, the Committee did not realize it had exceeded a new reporting threshold.
12 Within one day of realizing its error, the Committee filed the required FEC Form 10 on March
13 12, 2004, ten days after it was due.³ Mr. Broyhill immediately reiterated his specific instructions
14 to his staff that every donation of his personal funds must be promptly reported to the FEC. *See*
15 Broyhill Affidavit attached hereto as Exhibit 1. The Campaign Manager for the Committee then
16 set up a system to help ensure compliance with future reporting, *see* July 1, 2005 affidavit of
17 Kim Hutchins ("Hutchins Affidavit") attached hereto as Exhibit 2, and the Finance Director for
18 Broyhill for Congress made these filings. *See* April 5, 2005 affidavit of Christy Wilson ("Wilson
19 Affidavit") and exhibits thereto attached hereto as Exhibit 3.

³ This Form 10 as well as all of the subsequent Form 10s filed by the Committee did not include \$1,500 Mr. Broyhill contributed (and reported on Schedule A) in June 2003 at the start of his campaign. This omission from the cumulative total of the Form 10s was a harmless clerical error having no impact on any filing deadlines or the contribution limits to Mr. Broyhill's opponents.

1 It is undisputed that following this initial filing, the Committee timely filed *nine* required
2 FEC Form 10s in connection with loans to the campaign.⁴ The General Counsel has
3 acknowledged these forms were timely filed. General Counsel's Brief at 2-3.

4 The General Counsel contends there were five untimely-filed FEC Form 10s in
5 connection with loans made by Mr. Broyhill to the Committee:

6 On March 12, 2004, Mr. Broyhill contributed \$25,000 to his campaign. Despite the
7 General Counsel's assertion to the contrary, the required report was timely filed as evidenced by
8 the facsimile confirmation sheet and email delivery confirmation dated March 12, 2004. *See*
9 Wilson Affidavit Ex. A attached hereto as Exhibit 3.

10 On April 30, 2004, Mr. Broyhill made a loan of \$150,000 to his campaign. The
11 corresponding Form 10 was due the following day, on May 1. Despite the General Counsel's
12 assertion to the contrary, this report was timely filed as evidenced by the email delivery
13 notification showing delivery of the Committee's Form 10 to an FEC email address on May 1.
14 Wilson Affidavit Ex. B attached hereto as Exhibit 3.

15 On June 8, 2004, Mr. Broyhill made a loan of \$50,000 to his campaign. The
16 corresponding Form 10 was due the following day, on June 9. Despite the General Counsel's
17 assertion to the contrary, this report was timely filed as evidenced by the email delivery

⁴ The dates of these loans were March 19, March 31, May 21, May 28, June 4, June 15, July 6, July 12, and July 14 of 2004.

26044142581

notification showing delivery of the Committee's Form 10 to an FEC email address on June 9.
Wilson Affidavit Ex. C attached hereto as Exhibit 3.⁵

On June 19, 2004, Mr. Broyhill made a loan of \$50,000 to his campaign. Due to administrative burdens which occurred over that weekend, this report was filed three days late and the respondent Committee takes full responsibility for that tardiness.

Lastly, on June 28, 2004, Mr. Broyhill made a loan of \$90,000 to his campaign. The General Counsel contends the Committee failed to file a Form 10 for this loan. While the Committee is unable to find documentation showing this information was filed with the FEC, they are certain they submitted a Form 10 in connection with the loan. See Hutchins Affidavit attached hereto as Exhibit 2. For example, subsequent Form 10s filed by the Committee on July 6, July 12, and July 14 all include the amount of the June 28 loan in the Cumulative Total of "Total Expenditures Election Cycle to Date." Admittedly, this fact does not provide conclusory proof the Committee timely filed a Form 10 for the June 28, 2004 loan, but it does lend a strong inference that the filing took place. Respondents will, however, concede information about this loan was effectively filed eight days late.

III. ANALYSIS/ARGUMENT

The General Counsel's attempt to impose personal liability on Mr. Broyhill is (1) inconsistent with the Commission's general interpretation of the Federal Election Campaign Act ("FECA") and with respect to the particular provision in question; (2) is not supported by the statute or the intent of Congress; and (3) is fundamentally unfair given the interim status of the

⁵ In response to this evidence of timely filing, the General Counsel contends "according to the computer generated facsimile and electronic mail receipt logs maintained by the Information Division, the Commission did not receive these Form 10s . . . in a timely manner." General Counsel's Brief 2 n.2. Mr. Broyhill and the Committee have not been afforded the privilege of viewing these receipt logs and are not in a position to explain why they do not show the Commission's receipt of materials that were timely sent by the Committee.

1 regulations, Mr. Broyhill's lack of culpability and the availability of an accountable campaign
2 committee.

3 **1. Longstanding FEC Policy Does Not Support the Imposition of Personal Liability in**
4 **This Case**

5 The FEC has chosen to implement the provisions of the Bipartisan Campaign Reform
6 Act of 2002 "in a manner consistent with" its interpretation of FECA. *See* Increased
7 Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-Financed
8 Candidates, 68 Fed. Reg. 3970, 3981 (Jan. 27, 2003). For many years the Commission has
9 interpreted the law to mean committees, not candidates, are generally responsible for meeting
10 reporting requirements. *Id.* Although the language of the Millionaires' Amendment requires
11 "the candidate" notify the FEC when he expends personal funds in excess of a certain threshold
12 amount, 2 U.S.C. § 441a-1, the new regulations are actually consistent with the Commission's
13 longstanding policy and clearly state the "*candidate's principal campaign committee must notify*
14 the Commission when the candidate makes an expenditure." 11 C.F.R. §§ 400.21(b) and
15 400.22(b) (emphasis added).⁶ Simply put, the obligation rests with the committee and not with
16 the candidate.

17 Additionally, the FEC has expressly decided to take "a similar approach to the reporting
18 requirements under the Millionaires' Amendment" as it has with treasurers' liability under
19 FECA. 68 Fed. Reg. at 3981.⁷ Accordingly, existing policies relating to when a treasurer should
20 be held personally liable are instructive in determining when a candidate should be personally

⁶ The FEC Form 10 itself requires only the signature of the treasurer, not the candidate. This is additional recognition on the part of the Commission that primary responsibility for filing the Form 10 lies with the appropriate committee, not with the candidate himself. There is no indication on the form, or in the instructions for the form, that the candidate be personally involved or responsible for the filing.

26044142583

1 liable for a Form 10 reporting violation. Earlier this year, the FEC issued a Statement of Policy
2 Regarding Treasurers Subject to Enforcement Proceedings to clarify when a treasurer is subject
3 to personal liability, and to preserve the FEC's ability to obtain an "appropriate remedy" for
4 violations. 70 Fed. Reg. 3, 3 (January 3, 2005). The FEC's Statement of Policy states, "in the
5 typical enforcement matter the Commission expects that it will proceed against treasurers only in
6 their official capacities." *Id.* Further, the Commission said it will proceed against a treasurer in
7 his personal capacity *only* when the treasurer:

8 (1) "had *knowledge* that his or her conduct violated a duty imposed by law," or

9 (2) "*recklessly* failed to fulfill his or her duties under the act and regulations," or

10 (3) "*intentionally* deprived himself or herself of facts giving rise to the violations."

11 70 Fed. Reg. at 5. (emphasis added).

12 Applying these standards to Mr. Broyhill demonstrates he is not an appropriate
13 individual upon whom the FEC should impose personal liability. Nothing indicates Mr. Broyhill
14 acted in any way resembling the type of conduct required for personal liability to attach. Rather,
15 Mr. Broyhill availed himself of all available information regarding his committee's reporting
16 obligations and took an active role in ensuring reports were filed correctly and on time. *See*
17 Broyhill Affidavit attached hereto as Exhibit 1.

18 To the extent Mr. Broyhill's committee failed to make the proper filings, it did so, at
19 worst, negligently and it has at all times been fully cooperative with the FEC. The alleged
20 violations are isolated and innocent failures to timely file and there has never been any
21 suggestion by the General Counsel that this case involves any willful conduct.

⁷ It is important to note these are only interim final rules which have not been fully implemented by the Commission.

1 Mr. Broyhill did not know any of his conduct was in violation of the law, he did *not*
2 recklessly fail to fulfill his duties, and he did not intentionally turn a blind eye to any violations
3 committed by his committee staff. Mr. Broyhill did not have a state of mind sufficient for the
4 FEC to impose personal liability under its own Statement of Policy. *See* Broyhill Affidavit
5 attached hereto as Exhibit 1.

6 Imposition of reporting duties on the candidate is rare under FECA. In fact, the only
7 instance in which a duty is imposed upon a candidate is to file a Statement of Candidacy which
8 requires “[e]ach candidate for Federal office” to “designate in writing a political committee...to
9 serve as the principal campaign committee of such candidate.” 2 U.S.C. § 432(e)(1); *see* 11 CFR
10 § 101.1. Failure to abide by § 432(e)(1)’s requirements has subjected candidates to personal
11 liability. *See, e.g.*, MUR 5363, Alfred C. Sharpton, et al. Once a candidate files a statement of
12 candidacy, however, the principal campaign committee becomes the entity primarily responsible
13 and accountable for all FECA activity. The candidate becomes “an *agent* of the authorized
14 committee or committees of such candidate,” 2 U.S.C. § 432(e)(2) (emphasis added); *see* 11
15 CFR §§ 101.2, 102.7; *see generally* 2 U.S.C. § 434 (imposing filing requirements on
16 committees).

17 Mr. Broyhill met the § 432(e)(1) reporting requirement when he designated Broyhill for
18 Congress as his principal campaign committee. From that point, Mr. Broyhill’s Committee
19 became the primary entity responsible for all reporting errors, including those imposed today
20 under § 441a-1(b)(1)(C) and (b)(1)(D).

21

22

26044142585

1 **2. Statutory Language and Congressional Intent Do Not Support the Imposition of**
2 **Personal Liability in These Circumstances**

3 The General Counsel believes candidates can be personally liable because the statute
4 uses the term "candidate." The statute uses the term "candidate" simply because it was
5 addressing the contribution of *candidate* money, not because Congress intended to impose
6 personal liability on candidates. The word "candidate" is simply the subject matter of this
7 contribution statute. There is nothing in the legislative history to indicate an intention to impose
8 personal liability on candidates for reporting their donations. If Congress did so intend, the
9 statute would say candidates are personally responsible for filing the required forms.

10 Congress likely intended the opposite: reading the FECA as a whole shows committees
11 are accountable for these new reporting violations. The Millionaires' Amendment statute
12 specifically says reporting requirements are to be enforced per the guidance of 2 U.S.C. § 437g.
13 § 441a-1(b)(3). Under § 437g(a) the person who "has committed" a violation is subject to the
14 enforcement authority of the Commission. The term "person" includes, among others,
15 individuals and committees. *See* 2 U.S.C. § 431(11). But under § 432(e)(2), once a candidate
16 designates a principal campaign committee, the candidate becomes "an agent of the authorized
17 committee or committees of such candidate," 2 U.S.C. § 432(e)(2), even when the candidate
18 himself "makes a disbursement in connection with such campaign." *Id.* As such, it is the
19 committee, as the principal, which must be considered the person as having committed the
20 violation.

26044142586

1 **3. Equity Does Not Support a Finding of Personal Liability in This Case For**
2 **Three Reasons**

3 First, interim regulations should not be the basis for a new and immediate form of
4 liability. The Commission itself has acknowledged in its interim rules that candidate liability
5 may not be appropriate and has solicited “comment on whether holding candidates personally
6 liable for violations of the reporting requirements . . . is consistent with Congressional intent.”
7 68 Fed. Reg. at 3981. We think it is not. Prior promulgating final rules, it is fundamentally
8 unfair for the Commission to attempt to impose personal liability on any candidate, including
9 Mr. Broyhill.⁸

10 Second, despite assertions to the contrary by the General Counsel’s office, the
11 Millionaires’ Amendment does not impose automatic liability on candidates. During the
12 investigation the General Counsel’s office indicated its belief the reporting provisions of the
13 Millionaires’ Amendment impose strict liability on candidates. Does General Counsel believe
14 every time there is a problem with a Form 10 filing the candidate should be held liable? Surely
15 not. Congress has never imposed such automatic personal liability in the realm of campaign
16 finance reporting and there is nothing to indicate they desired to do so under the Millionaires’
17 Amendment. Rather, any determination of culpability under these regulations must be based on
18 a weighing of the facts involved. Weighing the facts set forth above supports a finding in favor
19 of Mr. Broyhill.

20 Third, candidate liability should not be imposed when the committee is being responsive.

⁸ The fact that the Commission may have already found candidate liability in two previous cases, *see* MUR 5623, Mike Crotts for Congress Committee, Inc. and Mike D. Crotts; MUR 5488, Brad Smith for Congress and Bradley Smith, does not mean it should continue so doing. There is no indication in those MUR files that the Commission considered the arguments being advanced today. Respondent urges the Commission to rethink the issue before making any more findings.

1 The Broyhill Committee is available to answer for any accusations in connection with the
2 campaign. If there were a scenario when a candidate could be held personally liable, it would be
3 when the committee and its treasurer are not accountable or are not interacting with the
4 Commission. Neither of those conditions are present here. The Committee and its Treasurer
5 continue to fully cooperate with the FEC. No enforcement purpose is served by pursuing Mr.
6 Broyhill personally. The FEC will be able to obtain an "appropriate remedy" for any violations
7 without personally including Mr. Broyhill. *See* 70 Fed. Reg. at 3.

8 **IV. SUGGESTED RESOLUTION**

9 The Commission's own policies, congressional intent, and fundamental notions of
10 fairness prohibit a finding against Mr. Broyhill personally. As noted in his affidavit, Mr.
11 Broyhill sought legal advice regarding compliance with FEC provisions and repeatedly directed
12 his staff to comply with all reporting requirements of the new and complex provisions. *See*
13 Broyhill Affidavit, attached hereto as Exhibit 1. At all times, Mr. Broyhill acted in good faith to
14 timely file and ensure that his campaign was in full compliance. When viewed in their totality,
15 the campaign's reports show there was no effort to conceal any contributions from the FEC or
16 Mr. Broyhill's opponents. Consequently, his actions are well outside the range for which the
17 FEC can or should impose personal liability on a candidate. The FEC should limit itself to
18 seeking remedy from the Committee and find no probable cause to believe Mr. Broyhill violated
19 the Federal Election Campaign Act.

1 Respectfully Submitted,

2

3

4

5

6


Craig Engle
Counsel for the Respondents

26044142588

28044142589

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	MUR 4648
)	
Broyhill for Congress and Laney Orr, Jr.,)	
in his official capacity as treasurer)	
and J. Edgar Broyhill III)	

AFFIDAVIT OF J. EDGAR BROYHILL II

J. Edgar Broyhill, being duly sworn, deposes and states as follows:

1. I am over the age of 18 and am competent to testify to the facts stated herein, and I have firsthand knowledge regarding the events that are the subject matter of the above captioned case.

2. My father was a Member of Congress from January 3, 1963 to November 4, 1986. During those years, I participated in several of his campaigns and watched firsthand the efforts of his staff to comply with the Federal Election Campaign Act ("the Act") and the importance he placed on ensuring his campaign remained in compliance with the law. I also witnessed the importance the media, my father's opponents and the government placed on the prompt and accurate disclosure of FEC reports. I personally share and believe in the Act's importance as well.

3. I was also generally aware that the Federal Election Campaign Act changed substantially with the passage of the Bi-Partisan Campaign Reform Act. More specifically, I was aware there were new regulations governing the use and reporting of personal funds contributed to the campaign by the candidate.

26044142590

2604142591

4. To make sure I, and my campaign, understood these new rules, I instructed my Campaign Manager to contact an election law attorney who could give us a briefing on how to comply with the new laws.

5. Two members of my campaign staff (Kim Hutchens and Paul Shumaker) and I participated in a long conference call with Jill Holtzman Vogel, a prominent election law attorney. One of the topics discussed was how to comply with the new laws regarding contributions made by candidates. I personally heard and agreed with a discussion regarding the filing of FEC Form 10.

6. On or around March 2, 2004, my campaign had a Form 10 filing requirement. The Campaign Finance Director, Christy Wilson, was responsible for making our FEC filings but was not, unfortunately, told or aware of the FEC Form 10 filing requirement. Upon learning that the filing was overdue, I instructed my campaign to file the proper reports immediately. They did so.

7. Throughout the course of my Primary, I periodically loaned my campaign additional personal funds. On several occasions, I would mention to the staff that my donations "would need to be reported" or that they "should not forget to report this loan."

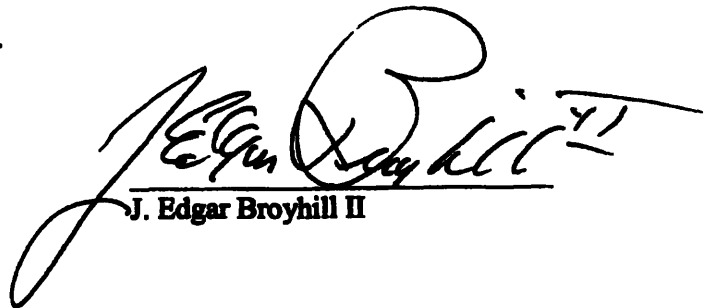
8. Because of my statements, my campaign began promptly reporting all my subsequent donations, with the exception I am told, of two reports in late June. This late reporting was contrary to my specific instructions that every donation of my personal funds be promptly reported to the FEC and my opponents.

9. Although my expenditure of personal funds was not a surprise to the media or my opponents, I do not underestimate the importance of prompt and complete

FEC reporting. If I am involved in any future campaign, I will ensure my Committee diligently complies with every FEC reporting requirement.

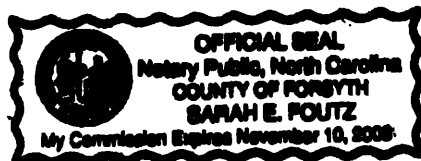
Further, the Affiant sayeth not.

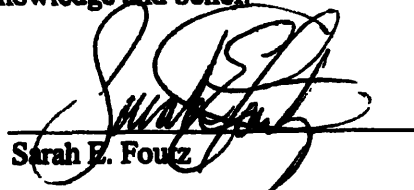
Signed this 30th day of June, 2005.


J. Edgar Broyhill II

STATE OF NORTH CAROLINA)
COUNTY OF FORSYTH)

This 30th day of June, 2005, J. Edgar Broyhill, II, personally appeared before me, a Notary Public in and for the State and County aforesaid, who after being duly sworn on oath acknowledged the foregoing instrument and stated that the information contained herein is true and correct to the best of his/her knowledge and belief.




Sarah E. Foutz

My Commission Expires: November 10, 2009

26044142593

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	MUR 4648
)	
Broyhill for Congress and Laney Orr, Jr.,)	
in his official capacity as treasurer)	
and J. Edgar Broyhill III)	

AFFIDAVIT OF KIM HUTCHENS

Kim Hutchens, being duly sworn, deposes and states as follows:

1. I am over the age of 18 and am competent to testify to the facts stated herein and I have firsthand knowledge regarding the events that are the subject matter of the above captioned case. I was the Campaign Manager for the Broyhill for Congress Campaign ("Campaign").

2. On or around (Date: 2/20/05), I participated in a telephone call with attorney Jill Holsman Vogel. Part of the discussion centered on the law regarding a candidate's donation of personal funds. Unfortunately her advice was either misconstrued or not correctly relayed to Christy Wilson who was responsible for the Committee's FEC filings.

3. After March 12, 2004, Ms. Wilson and I set up a dual-control system for all future transmittals of all Form 10s to the FEC and the opposing candidates. As a former banker of 17 years, I am thoroughly aware of the importance of a dual-controlled system for reporting, and implemented such for all FEC reporting requirements. Our system required Christy Wilson to prepare the Form 10s for submission, allow me to view the form, submit the form, and then "show me" the receipt or acknowledgement from the FEC.

26044142594

4. I believe Christy Wilson sent on a timely basis all required Form 10s to the FEC and our opponents. I visually saw each form, and Ms. Wilson visually showed me the receipt message from the FEC for each form. I believe we were in full compliance of the 24-hour rule.

5. Throughout the Primary, the candidate would periodically remind me or the staff that he was considering lending the campaign additional personal funds and that we should ensure that the amounts were timely and correctly reported.

Further, the Affiant sayeth not.

Signed this 1st day of July, 2005.

Kim Hutchens
Kim Hutchens, Campaign Manager
Broyhill for Congress

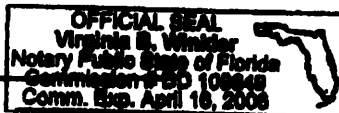
STATE OF Florida)
COUNTY OF Sarasota)

This 1st day of July, 2005, Kim Hutchens, personally appeared before me, a Notary Public in and for the State and County aforesaid, who after being duly sworn on oath acknowledged the foregoing instrument and stated that the information contained herein is true and correct to the best of his/her knowledge and belief.

NC drivers license
#1864089

Virginia B. Winder
Notary Public

My Commission Expires: _____



26044142596

AFFIDAVIT OF CHRISTY WILSON

Christy Wilson, being duly sworn, deposes and states as follows:

1. I am over eighteen years of age and have personal knowledge of the facts herein.
2. I am a resident of Huntersville, North Carolina.
3. I was the Finance Director for the Broyhill for Congress Campaign (the "Committee"). As part of my duties I oversaw the preparation and submission of FEC Form 10 filings by the Committee.
4. Attached as Exhibit A are true and correct copies of a facsimile confirmation sheet, showing delivery of the Committee's Form 10 on March 12, 2004, and an email showing delivery of the Form 10 to other candidates in the primary along with a delivery notification sheet. This facsimile confirmation sheet can be distinguished from the initial Form 10 filed by the Committee on the same day by the time stamp. The FEC's facsimile machine stamped the initial Form 10 fax at 6:06 pm on March 12, 2004. The facsimile confirmation sheet attached hereto was sent at 9:59 pm on March 12, 2004.
5. Attached as Exhibit B is a true and correct copy of an email delivery notification showing delivery of the Committee's Form 10 on May 1, 2004 to an FEC address.
6. Attached as Exhibit C is a true and correct copy of an email delivery notification showing delivery of the Committee's Form 10 on June 9, 2004 to an FEC address.

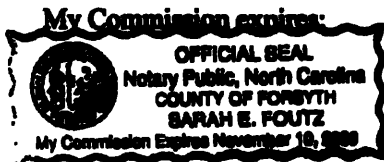
Further the affiant sayeth not.

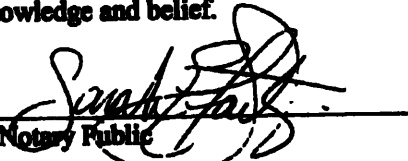
This 5th day of April, 2005.


Christy Wilson, Finance Director
Broyhill for Congress

STATE OF NORTH CAROLINA)
COUNTY OF FORSYTH)

This 5th day of April, 2005, Christy Wilson personally appeared before me, a Notary Public in and for the State and County aforesaid, who after being duly sworn on oath acknowledged the foregoing instrument and stated that the information contained herein is true and correct to the best of her knowledge and belief.




Notary Public

26044142599

A

EXHIBIT A

**Facsimile transmission report of March
12, 2004 Form 10 and email of March 12,
2004 Form 10 to Broyhill opponents.**

26044142600

Mar. 12 2004 10:00PM

NO.	OTHER FACSIMILE	START TIME	USGS TIME	MODE	PAGES	RESULT
01	2022190174	Mar. 12 09:59PM	00'41	END	01	OK

26044142601

From: Cwilson [cwilson@broyhill.net]
Sent: Thursday, March 03, 2005 2:01 PM
To:
Cc:
Subject: FW: FEC Form 10

Attachments: form102.jpg

-----Original Message-----

From: Christy Wilson [mailto:christywilson@broyhillforcongress.us]
Sent: Saturday, March 13, 2004 8:43 PM
To:
Subject: FEC Form 10

Broyhill for Congress

A North Carolina Tradition

Christy Wilson
Finance Director

Broyhill for Congress
Post Office Box 5656
Winston-Salem, North Carolina 27113

tel: 336-794-0900
fax: 336-765-6994
mobile: 704-699-0631

christywilson@broyhillforcongress.us

Powered by Plaxo

Add me to your address book..

Want a signature like this?

FEC FORM 10

24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 401.21 and 401.22) (Millions' Amendment)

1. Name of Candidate: Ed Brophy 2. Office Sought: House 3. State: North Carolina 4. District: 5 5. Candidate ID Number: H 4 NC05125
6. Name of Principal Campaign Committee: Brophy for Congress 7. Committee ID Number: C 50000705
8. Address:

Post Office Box 5656
9. City, State and ZIP Code:
Winston-Salem, North Carolina 27113

10. Expenditures of Personal Funds (If the candidate has made expenditures for different elections, submit a separate Form 10 for each election.)

Aggregate Expenditures Previously Reported During the Election Cycle

50000.00

	DATE	ELECTION	AMOUNT	CHECK IF NONDISBURSED
A.	03 / 12 / 2004	<input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<u>25000.00</u>	<input checked="" type="checkbox"/>
B.		<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/>
C.		<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/>
D.		<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/>

11. Total Expenditures This Notice

25000.00

12. Total Expenditures Election Cycle To Date

75000.00

TYPE OR PRINT NAME OF COMMITTEE TREASURER

L. Glenn Orr, Jr.

SIGNATURE OF COMMITTEE TREASURER

DATE

Signature on file with FEC

03-13-2004

For further information contact:
Federal Election Commission, 900 E. Street, NW, Washington, DC 20463
Toll Free 800-424-9535; Local 202-694-1100

26044142604

B

EXHIBIT B

**Email read receipt of May 1, 2004 Form
10 showing transmission to FEC.**

26044142605

April 30 Form 10 confirmation
From: Cwilson [cwilson@broyhill.net]
Sent: Tuesday, March 01, 2005 4:33 PM
To: Tim Nerhood
Subject: April 30 Form 10 and confirmation

Attachments: FEC430.tif

-----Original Message-----

From:
Sent: Saturday, May 01, 2004 10:48 PM
Subject:

-----IMA4e485e2.40c2/broyhillforcongress.us
Content-Type: text/plain; charset=us-ascii

Your message was successfully relayed to a system that does not support delivery confirmations. Unless the delivery fails, this will be the only delivery notification.

-----IMA4e485e2.40c2/broyhillforcongress.us
Content-Type: message/delivery-status

Reporting-MTA: broyhillforcongress.us
Final-Recipient: rfc822;2022190174@fec.gov
Action: relayed
Status: 2.0.0

-----IMA4e485e2.40c2/broyhillforcongress.us
Content-Type: message/rfc822

Received: from christy [67.35.187.109] by broyhillforcongress.us with ESMTP (SMTPD32-8.05) id A5C6164800CA; Sat, 01 May 2004 21:47:34 -0500
Return-Receipt-To: "Christy Wilson" <christywilson@broyhillforcongress.us>
From: "Christy Wilson" <christywilson@broyhillforcongress.us>
To: <christywilson@broyhillforcongress.us>
Subject: FEC
Date: Sat, 1 May 2004 22:47:49 -0400
Message-ID: <!--!UENERkVCMdKAAQACAAAAAAAAAAAAAAAAABgAAAAAAAAA5fhbm3zo50S6kMHm/xtjRsKAAAAQAAAA11PAK/2hskOO1e7ijOwnxAEAAAAA@broyhillforcongress.us>
MIME-Version: 1.0
Content-Type: multipart/mixed;
boundary="-----_NextPart_000_0000_01c44b4f.257e99d0"
X-Priority: 3 (Normal)
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook, Build 10.0.4510
Importance: Normal
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165
Disposition-Notification-To: "Christy Wilson" <christywilson@broyhillforcongress.us>

-----IMA4e485e2.40c2/broyhillforcongress.us--

26044142607

C

EXHIBIT C

**Email read receipt of June 9, 2004 Form
10 showing transmission to FEC.**

26044142608

June 9 Form 10 confirmation.txt
From: Cwilson [cwilson@broyhill.net]
Sent: Tuesday, March 01, 2005 5:46 PM
To: Tim Nerhood
Subject: 6/8

Attachments: FEC509.tif

-----Original Message-----

From:
Sent: Wednesday, June 09, 2004 6:25 PM
Subject:

-----IMA4c47846.40ec/broyhillforcongress.us
Content-Type: text/plain; charset=us-ascii

Your message was successfully relayed to a system that does not support delivery confirmations.
Unless the delivery fails, this will be the only delivery notification.

-----IMA4c47846.40ec/broyhillforcongress.us
Content-Type: message/delivery-status

Reporting-MTA: broyhillforcongress.us
Final-Recipient: rfc822;2022190174@fec.gov
Action: relayed
Status: 2.0.0

-----IMA4c47846.40ec/broyhillforcongress.us
Content-Type: message/rfc822

Received: from christy [66.56.135.58] by broyhillforcongress.us with ESMTP
(SMTPD32-8.05) id A80F5760152; Wed, 09 Jun 2004 17:24:15 -0500
Return-Receipt-To: "Christy Wilson" <christywilson@broyhillforcongress.us>
From: "Christy Wilson" <christywilson@broyhillforcongress.us>
To: <christywilson@broyhillforcongress.us>
Subject: FEC
Date: Wed, 9 Jun 2004 18:24:31 -0400
Message-ID:
<|~!UENERkVCMdKAAQCAAAAAAAAAAAAAAAAAABqAAAAAAAAA5fhbm3z050S6kMHm/xtjRsKAAAAQ
AAAAd4Jb87tXC0qFt7mFcqa/sQEAAAAA@broyhillforcongress.us>
MIME-Version: 1.0
Content-Type: multipart/mixed;
boundary="-----_NextPart_000_0003_01c4644F.AE550D20"
X-Priority: 3 (Normal)
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook, Build 10.0.4510
Importance: Normal
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165
Disposition-Notification-To: "Christy Wilson"
<christywilson@broyhillforcongress.us>

-----IMA4c47846.40ec/broyhillforcongress.us--